

### **REMARKS**

Claim 1 is the only claim pending in the present application and is currently amended. Previously pending claims 3 and 4 have been cancelled without prejudice with Applicants reserving the right to pursue the subject matter of those cancelled claims in a continuing application.

In the Official Action, claim 1 is indicated as being allowed. However, the Examiner has asked that the term "mycological" be deleted because the claimed microorganism is a bacterium and not a fungus. In view thereof, Applicants have amended claim 1 by deleting the term "mycological". As such, Applicants submit that claim 1 is now in condition for allowance.

Also in the Official Action, claims 3-4 stand rejected under 35 U.S.C. §102(b) as being anticipated by, or in the alternative, under 35 U.S.C. §103(a) as obvious over Yang U.S. Patent No. 5,711,977 ("Yang"). *See* Official Action at pages 2 and 3. Claims 3 and 4 have been cancelled. Thus, those rejections are now moot.

In view of all of the above, Applicants submit that the rejection of the pending claims has been overcome. Therefore, Applicants respectfully submit that this case is in condition for allowance and request allowance of the pending claim.

If Examiner believes any detailed language of the claims requires further discussion, Examiner is respectfully asked to telephone the undersigned attorney so that the matter may be promptly resolved. Applicants also have submitted all fees believed to be necessary herewith.

Should any additional fees or surcharges be deemed necessary, Examiner has authorization to charge fees or credit any overpayment to Deposit Account No. 23-3000.

Respectfully submitted,  
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